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RECENT LEGAL LITERATURE

LIMITATIONS OF THE TAXING POWER, INCLUDING LIMITATIONS UPON PUBLIC INDEBTEDNESS. By James M. Gray. San Francisco: Bancroft-Whitney Company. 1906. Pp. LX, 1316.

We have read this large book carefully and consider it an extremely valuable contribution on this very important subject. The introductory paragraphs may drag a little, but the reader does not proceed very far until he begins to think that this is the work of a man who knows what he is writing about, who has studied thoroughly, analyzed critically, classified carefully and expressed the result clearly and with precision. It is far from being a mere digest of important cases, for while many cases are used and though there are many quotations therefrom, it is for the purpose of discovering the underlying principle, which is then clearly stated. In this way cases which at first blush seem contradictory are frequently found to conform, though not always consciously perhaps, to a common principle. The work is modestly done. The author has been sparing in his criticism and slow to express his own opinion. In fact one feels that this is almost a fault, for the opinion of one who has made so exhaustive a study of a subject is entitled to great respect, such as was paid to that of the jurisconsult in the Roman Law.

The quotations of the pertinent portions of the constitutions of the various states have added considerably to the size of the work, but it has, we believe, correspondingly increased its value, for even where access to a complete library is possible, the painstaking work of the author has made this unnecessary in very many cases, with a resulting economy of time. And where reference to the state constitutions could not be had the practitioner can determine with some degree of assurance the bearing, if any, of cases examined on the question in hand.

It is not the purpose of this brief review to speak particularly of the different parts of this work, and yet reference should be made to the chapter on Limitations of Debt Contracting Power, which is the concluding chapter. The subject is treated with as great a thoroughness as the space permits, and is very helpful. The vexed question of the effect to be given to recitals in municipal bonds has, we believe, been stated as satisfactorily as was possible within the same limits.

In short, it would not be easy to speak in too high terms of Mr. Gray's book, and to say it should be in every lawyer's library is to state in trite phrase a simple truth.

F. L. S.

THE CONSTITUTIONAL HISTORY OF NEW YORK FROM THE BEGINNING OF THE COLONIAL PERIOD TO THE YEAR 1905. Showing the Origin, Development and Judicial Construction of the Constitution. By Charles Z. Lincoln. Rochester: The Lawyers' Cooperative Publishing Company. 1906. Vols. I-V. Pp. XXX, 756; XVII, 725; XVIII, 757; XXVI, 800; 549 and addendum.

The writer of this notice has not essayed a critical review of this work. To have done so would require more time than is available. Such examina-

tion has been given, however, as to convince that Mr. Lincoln has done a great work for the state of New York. Well equipped by training and experience he has brought to the work great diligence, painstaking care and thoroughness of research, and has left little to be wished for in this field. The treatment is a combination of the chronological and the topical. The first volume opens with an introductory chapter giving a general summary of the constitutional history of the state. This chapter is followed by copies of those documents which furnish the subject matter for his subsequent discussion. These include Magna Charta, the Charter of Liberties and Privileges, passed by the first New York legislature in 1683, the Declaration of Independence, the Articles of Confederation, the Constitution of the United States and its Amendments, the First Constitution of New York adopted in 1777, with its Amendments, the Second of 1821 with its Amendments, and the Third and Fourth Constitutions adopted in 1846 and 1894, respectively, with their Amendments to 1905. The remainder of this volume is given to a particular discussion of the period from the discovery of Manhattan by Henry Hudson in 1609 to the adoption of the Second Constitution in 1821. The second volume continues the treatment to the Judiciary Commission of 1890, covering the two constitutional periods, that of the Second Constitution beginning in 1821 and ending in 1846, and that of the Third Constitution beginning in 1846 and ending in 1894. The third volume carries the discussion through the period of the Fourth Constitution to the present time substantially. The fourth volume is a history of the judicial construction of the several constitutions, and will be specially interesting to the constitutional lawyer. The earlier volumes are particularly interesting from the historical and political points of view, this by reason of the legal information it presents. The fifth volume gives a table of statutes construed on constitutional grounds, arranged both chronologically and topically, those held constitutional and those held unconstitutional in separate classes. This table of statutes is followed by one of the cases used, and this in turn by an Index of Persons, a General Index and an Addendum bring the history down to the time of going to press.

The work will be found a rich mine for the student of constitutional history as made by one of the most important of the states of the Union, and will prove of great value to the lawyer dealing with constitutional questions.

V. H. L.

THE LAW ASSOCIATION OF PHILADELPHIA. Addresses Delivered March 13, 1902, and Papers Prepared or Republished to Commemorate the Centennial Celebration of the Law Association of Philadelphia, Pennsylvania. 1802-1902. Published by the Association, Philadelphia. 1906. Pp. XII, 462.

In March, 1902, the Law Association of Philadelphia was one hundred years old, and this volume is a most valuable and interesting record of the proceedings at the celebration of the Association's First Centennial. It contains, moreover, papers and addresses relating to the Bar of Philadelphia previously published, but not readily accessible.